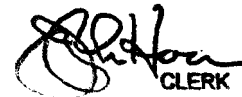


FILED

JAN 12 2009


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

CR 08-10066

Plaintiff,

-VS-

ORDER

EDWARD RAYMOND FLAD, JR.,

Defendant.

The defendant filed a motion, Doc. 16, for a psychiatric evaluation pursuant to 18 U.S.C. § 4241. The government filed a motion, Doc. 19, for a competency examination pursuant to 18 U.S.C. §§ 4241 and 4242 to determine the defendant's present competency to assist in his defense and defendant's sanity at the time the acts alleged in the indictment were committed. The defendant has filed a notice of insanity defense pursuant to Fed. R. Crim. P. 12.2. Reasonable cause exists for an examination pursuant to 18 U.S.C. §§ 4241 and 4242. Accordingly,

IT IS ORDERED:

1. The motions, Docs. 16 and 19, for a competency examination are granted. The defendant is committed to the custody of the Attorney General and he shall be forthwith transported to an appropriate federal institution, for the purpose of determining his present competency to assist in his defense, pursuant to 18 U.S.C. § 4241(b), with special inquiry to be made into whether the defendant presently suffers from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or assist properly in his defense. In addition, special inquiry shall be made, pursuant to 18 U.S.C. § 4242, as to whether the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or wrongfulness of his acts as alleged in the indictment. A report of the findings shall be furnished to this Court, to Assistant

United States Attorney Jeffrey Clapper, to the defendant, and to the defendant's attorney, Carmen Means, pursuant to 18 U.S.C. § 4247(b) and (c).

2. Upon completion of this period, not to exceed 45 days unless extended by the Court pursuant to 18 U.S.C. § 4247(b), said defendant shall be returned forthwith to the District of South Dakota for disposition of the charges pending herein. He shall be released by the Marshals Service and returned to his present placement.

3. The motion for continuance, Doc. 17, is granted. The January 20, 2009, trial is continued to Thursday, March 26, 2009, at 9:00 a.m. The period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense must commence. 18 U.S.C. § 3161(h)(1)(A).

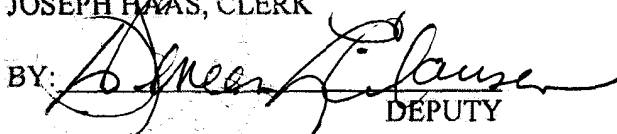
Dated this 12th day of January, 2009.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge

ATTEST:
JOSEPH HAYAS, CLERK

BY:


DEPUTY
(SEAL)